

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, February 23, 2022

TIME: 3:00 P.M.

PLACE: Room EW42

MEMBERS: Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, Ehardt, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash

**ABSENT/
EXCUSED:** Representative(s) Ehardt

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Chaney called the meeting to order at 3:54 p.m.

Chairman Chaney introduced the new page, **Audrey Payne**.

Lawrence Wasden, Idaho Attorney General, gave an update on the status of the Attorney General's Office. In 2021, the AG's office recovered forty four million dollars; for every dollar they were appropriated, they recovered one dollar and sixty six cents. The Office also provides legal advice to many state clients and has filed three lawsuits on the federal vaccine mandates. The Internet Crimes Against Children unit arrested fifty eight people in 2021 but is still struggling with a growing backlog of cases. In order to alleviate this, they are training local police in specific strategies. He also brought to the committee's attention the problems the office is currently facing. Turnover is up ten percent from previous years because the pay is insufficient, and the workload is not sustainable. Pay in the Attorney General's Office is fifteen percent behind other public sector employers. Therefore, they are requesting a budget which would allow at least a ten percent increase in salaries. Additionally, they would like lump sum spending authority which is critical for managing the budget and would reduce supplemental appropriation requests.

Chris McCormick, head of the Internet Crimes Against Children (ICAC) unit, explained how they detect, investigate, and prosecute those who use the internet to prey on children. Additionally, they conduct law enforcement training to further their ability to thoroughly investigate all cases. Most of the cases come from the National Center for Missing and Exploited Children but they also assist local agencies. ICAC has a nineteen-person unit that includes nine full time affiliates from police departments around the state. This year the unit has one thousand seven hundred pending cyber tips compared to seven hundred last year.

In response to questions about whether the money regained by the Attorney General's Office could be reinvested into the Office, **Attorney General Wasden** said that money is either earmarked by the courts for a specific purpose or it goes into the Consumer Protection Account which is emptied by the legislature every year to be re-appropriated as they see fit.

In response to questions about how the ICAC unit addresses the needs of indigenous tribes, **Mr. McCormick** explained that they have very little jurisdiction in those areas but are working to find ways to assist.

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

H 599:

Rep. Chaney presented **H 599** which provides the courts the tools necessary to intervene in an attempted abduction. This legislation would not create any new right to issue a custody order, it would not create any new basis for requesting a custody order, and would not add to the ability of the courts to intervene in child custody matters. It provides some improved support for law enforcement to recover individuals.

Dayton Lynch, Legal Counsel for the National Center for Missing and Exploited Children (NCMEC), said this legislation would add to existing law to provide measures for the prevention of child abductions in Idaho by identifying those who are at risk of family abduction and preventing that abduction from taking place. The law also includes statutory safeguards to prevent the measures from being misused.

In response to questions about possible additional burdens on the courts, **Mr. Lynch** said the court would have to review the petitions and determine the risk. However, there would be a framework for problems they already work with so there wouldn't be an additional burden.

In response to questions about similar laws in other states, **Mr. Lynch** said currently fifteen states have adopted similar laws.

Rep. Chaney declared Rule 80 and further explained these cases will ultimately end up in the courts, but this legislation would prevent the abduction from actually taking place.

In response to questions about how this legislation would keep from incriminating innocent parents, **Rep. Chaney** said each case would be examined based on a list of factors used to determine the risk and on a preponderance of evidence. The only people with grounds to file these petitions are those with equal or superior parental rights. This would allow for turning over the child's passport temporarily until the case comes before the court. Currently, nothing will be done for twenty-four hours after the parent has left with the child and at that point, a motion for contempt of court will be filed but nothing will come of that for three or more months. This legislation would allow for faster action while still requiring a high level of evidence.

Mr. Lynch said that imminent cases have a very high burden and only in these cases can a child be removed from the custody of the abducting parent. Other cases take more time to determine the risk of that particular situation. Additionally, the list of factors used to evaluate risk is based on research determining early risk factors for family abduction. There have been very few issues with this in the other states where it has been enacted.

**UNANIMOUS
CONSENT
REQUEST:**

Rep. Gannon asked unanimous consent that **H 599** be moved to the bottom of the agenda. There being no objection, the request was granted.

H 499:

Rep. Chaney presented **H 499** which would amend existing law to allow emergency communications officers to be included in the PERSI Rule of 80 classification. He explained that the intense concentration, pressure, multitasking, and physical alertness required of a dispatch officer cannot be continued for the years required to reach rule of 90. At present, no one in this position has made it to full retirement.

Fred Birnbaum, Idaho Freedom Foundation, spoke **in opposition** to **H 499** because using stress as the qualifying factor for Rule of 80 would open it to a multitude of other positions. He argued that the cost will be born primarily by the employer and this could affect the General Fund. Additionally, with the labor force participation rate declining, it is unwise to encourage more people to leave the workforce earlier. The Rule of 80 should be restricted to those who are risking their lives because when these people reach a certain age they are no longer capable of carrying a person out of a burning building or chasing and wrestling a suspect to the ground.

Robin Stellers, Director of the Blaine County Emergency Communications, testified **in support** of **H 499** explaining the difficulties of working as a dispatch officer. These individuals are POST-certified and recognized as first responders. Workers' compensation recognizes PTSD as an injury caused by the work.

Cara Murray, **Joe Huff**, president of the Idaho Police Chiefs Association, and **Cortney Lyskoski** spoke **in support** of **H 499** because at a certain age or point a person is not able to do this work. It takes extreme multitasking abilities, focus, and quick decision-making. In order to keep the public safe, these people need to be allowed to retire early.

Murphy Olmstead, Lobbyist representing the Idaho Sheriffs Association, testified **in support** of **H 499** and explained there are forty-six primary dispatch centers and five hundred eighty dispatchers in Idaho. This legislation would help attract and retain employees in a critical field.

Michael Sandvig, president emeritus of the State organization of the National Alliance on Mental Illness, spoke **in support** of **H 499** because this position is trying on the mental health of the dispatcher. They need to be able to retire when they are not able to perform the job anymore.

Rep. Chaney closed by saying this legislation would provide hope and give dispatchers a reasonable time to perform their job knowing they will be able to make it to retirement.

MOTION:

Rep. Marshall made a motion to send **H 499** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Chaney** will sponsor the bill on the floor.

Vice Chairman Hartgen turned the gavel over to **Chairman Chaney**.

H 620:

Rep. Erickson and **Rep. Green** presented **H 620** explaining this legislation would amend existing law to provide that booking photographs shall not be made public in certain instances and to outline those exceptions. The mugshot would not be released before preliminary hearing and adjudications, especially in cases where mental health negatively affects a person's ability to work.

Murphy Olmstead, Lobbyist representing the Idaho Sheriffs Association, spoke **in opposition** to **H 620** because mugshots are tools law enforcement officers use to discover information and otherwise perform their duties. Additionally, this would require law enforcements officers to hire someone to change their IT departments.

Jeri DeLange, **Roni Ramos**, National Association of Social Workers, and **Beth Markley**, National Association of Mental Illness, spoke **in support** of **H 620** because publishing the mugshot gives the public a chance to convict people before they are adjudicated. It creates a stigma that is very difficult to overcome and can be particularly damaging to those who are already experiencing mental health difficulties.

MOTION: **Rep. Marshall** made a motion to send **H 620** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Erickson and Green** will sponsor the bill on the floor.

H 621: **Rep. Manwaring** presented **H 621** saying this legislation would amend existing law to provide that certain cybersecurity records are exempt from disclosure. Cybersecurity is used to protect computer systems from sabotage and being made public would open up systems to attack.

MOTION: **Rep. Gannon** made a motion to send **H 621** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Manwaring** will sponsor the bill on the floor.

UNANIMOUS CONSENT REQUEST: **Rep. Chaney** asked unanimous consent to **HOLD H 599** in committee at the call of the chair. There being no objection, the request was granted.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 5:48 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary